

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

NOTICE OF MOTION

v.

Case No: 20-cr-00195(JLS)(JJM)

DAVID RUBEL,
Defendants.

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order adjourning the defendant's sentence currently scheduled for Tuesday, November 1, 2022 for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York
October 28, 2022

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME
CAMBRIA, LLP
Counsel for Defendant
DAVID RUBEL
42 Delaware Avenue
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TO: LAURA HIGGINS, ESQ.
ASSISTANT UNITED STATES ATTORNEY
138 Delaware Ave.
Buffalo, NY 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID RUBEL

Defendants.

AFFIDAVIT

Case #20-cr-00195(JLS)(JJM)

STATE OF NEW YORK)
COUNTY OF ERIE SS:
CITY OF BUFFALO)

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By Order of United States District Judge John L. Sinatra Mr. Rubel was sentenced to be sentenced on Tuesday, November 1, 2022.
3. However, we respectfully requesting that Mr. Rubel's sentence be adjourned for approximately 60 days to accommodate the parties to complete the work necessary to the preparation for the Presentence Report as well as memoranda to be filed by the defense.
4. Assistant United States Attorney Laura Higgins does not oppose this request.

WHEREFORE, your deponent prays that Mr. Rubel's sentence be adjourned for 60 days and that the Court issue an Order accordingly.

DATED: October 28, 2022
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

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Sworn to before me this 28th day
of October, 2022

/s/Elizabeth M. Jagord-Ward

Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2026